

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

QUINN AARON KLEIN)	
a/k/a/ AARON Q. KLEIN,)	
)	
Plaintiff,)	
vs.)	NO. CIV-12-0033-HE
)	
C. CHESTER, Warden, ET AL.,)	
)	
Defendants.)	

ORDER

Plaintiff Quinn Klein, a state prisoner appearing *pro se* and *in forma pauperis*, brought this civil rights action under 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. He has recommended plaintiff's complaint be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim. Objections to Judge Purcell's Report and Recommendation were due by March 15, 2012.

Plaintiff, having failed to object to the Report and Recommendation, has waived his right to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Accordingly, the Report and Recommendation [Doc. #11] is **ADOPTED** and plaintiff's claims are **DISMISSED** without prejudice for failure to state a claim under 28 U.S.C. § 1915(3)(2)(B). Plaintiff is advised that this dismissal will ripen into a "strike" under the

three-strikes rule of the Prison Litigation Reform Act as soon as the time to appeal has expired or, if plaintiff appeals, in the event the court of appeals affirms this dismissal. *See* 28 U.S.C. § 1915(g); Jennings v. Natrona County Det. Ctr. Med. Facility, 175 F.3d 775, 780 (10th Cir. 1999). Consistent with Fed. R. Civ. P. 58(a), a separate judgment will be entered contemporaneously with this order.

IT IS SO ORDERED.

Dated this 19th day of April, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE